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- and -

MCKOOL SMITH P.C.  
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*Attorneys for Plaintiff/Liquidating Trustee*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		
<b><u>In re</u></b>	:	<b>Chapter 11 Case No.</b>
	:	
<b>BEARINGPOINT, INC., <u>et al.</u>,</b>	:	<b>09 - 10691 (REG)</b>
	:	
<b>Debtors.</b>	:	<b>(Jointly Administered)</b>
	:	
-----X		
<b>JOHN DeGROOTE SERVICES, LLC,</b>	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>Adversary No. 10-3856</b>
	:	
<b>POCKET WATER, INC.,</b>	:	
<b>Defendant.</b>	:	
-----X		

**APPLICATION FOR CERTIFICATE OF DEFAULT**

John DeGroote Services, LLC, Chapter 11 Trustee for Bearing Point, Inc. and Plaintiff herein ("Plaintiff") files this *Application for Certificate of Default* as to Pocket Water, Inc. ("Defendant"), and in support represents as follows:

1. Attached hereto and incorporated herein for all purposes pursuant to Local Bankruptcy Rule 7055-1 as **Exhibit A** is the *Affidavit of Nancy Jones* (the “Jones Affidavit”).

The Jones Affidavit states that:

a. On October 7, 2010, Plaintiff filed suit against Defendant to avoid and recover preferential transfers under 11 U.S.C. §§ 547 and 550 in Adversary No. 10-3860.

b. On October 19, 2010, Plaintiff served Defendant by sending the court-issued summons and a copy of Plaintiff’s *Complaint to Avoid and Recover Preferential Transfers Pursuant to §§ 547 and 550* by certified mail, return receipt requested, postage prepaid, to Defendant at 1793 Northumberland Drive, Brentwood, Tennessee 37027.

c. Defendant has failed to plead or otherwise defend the adversary proceeding.

d. Defendant is not an infant, in the military, or an incompetent person.

2. In accordance with Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 7012(a), Defendant was required to file an answer or otherwise defended this Adversary Proceeding on or before November 8, 2010 (“Deadline”). Defendant did not file an answer and has not otherwise defended this Adversary Proceeding before the Deadline. Proof of service of the summons and Complaint is attached hereto as **Exhibit B**.

3. Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable hereto by Rule 7055 of the Federal Rules of Bankruptcy Procedure, Defendant is in default.

WHEREFORE, based upon the facts alleged in the Jones Affidavit, Plaintiff requests the Clerk of the Court issue a certificate of default against Defendant pursuant to Bankruptcy Rule 7055(a) and Local Bankruptcy Rule 7055-1.

Dated: June 16, 2011  
New York, New York

/s/ Peter S. Goodman

Peter S. Goodman

**MCKOOL SMITH P.C.**

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*Attorneys for Plaintiff,*

*John DeGroote Services, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on a true and correct copy of the foregoing was served on Defendant via certified mail, return receipt requested, on the 16<sup>th</sup> day of June 2011, as follows:

Pocket Water, Inc.  
1793 Northumberland Drive  
Brentwood, Tennessee 37027

/s/ Nicholas Zugaro

Nicholas Zugaro

MCKOOL SMITH P.C.  
Peter S. Goodman  
One Bryant Park, 47th Floor  
New York, NY 10036  
Telephone: (212) 402-9400  
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*Attorneys for Plaintiff/Liquidating Trustee*

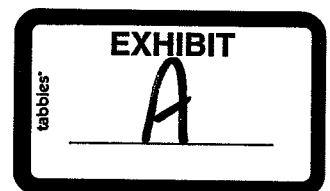
**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b><u>In re</u></b>	:	<b>Chapter 11 Case No.</b>
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<b>BEARINGPOINT, INC., <u>et al.</u>,</b>	:	<b>09 - 10691 (REG)</b>
	:	
<b>Debtors.</b>	:	<b>(Jointly Administered)</b>
	:	
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<b>JOHN DeGROOTE SERVICES, LLC,</b>	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>Adversary No. 10-3856</b>
	:	
<b>POCKET WATER, INC.,</b>	:	
<b>Defendant.</b>	:	
-----X		

**AFFIDAVIT OF NANCY JONES**

STATE OF TEXAS           §  
COUNTY OF HARRIS      §

BEFORE ME, the undersigned authority, on this day personally appeared Nancy Jones,  
who, after being duly sworn, on her oath testified and said:



1. My name is Nancy Jones; I am over 18 years of age, of sound mind, not enlisted in the military, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.


2. On October 7, 2010, John DeGroote Services, LLC, Liquidating Trustee to the BearingPoint, Inc. Liquidating Trust ("Plaintiff"), filed suit against Pocket Water, Inc. ("Defendant") to avoid and recover preferential transfers under 11 U.S.C. §§ 547 and 550 in Adversary No. 10-3856.

3. On October 19, 2010, Plaintiff served Defendant by sending the court-issued summons and a copy of Plaintiff's *Complaint to Avoid and Recover Preferential Transfers Pursuant to §§ 547 and 550* by certified mail, return receipt requested, postage prepaid, to Defendant at 1793 Northumberland Drive, Brentwood, Tennessee 37027.

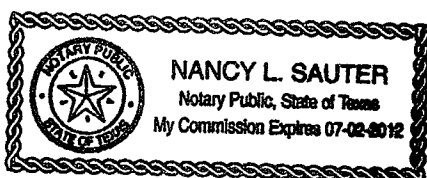
4. Based on a review of the Court's PACER docket system, as of the making of this affidavit, Defendant has not filed an answer or any other pleading constituting an answer. Further, on information and belief, Defendant has not attempted to otherwise defend the adversary proceeding.

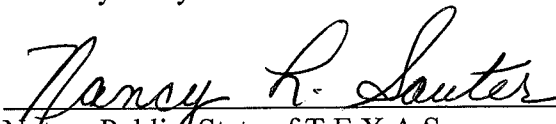
5. Upon information and belief, Defendant is not an infant, is not in the military, and is not an incompetent person.

Executed this 15<sup>th</sup> of June 2011.

  
\_\_\_\_\_  
Nancy Jones, Legal Assistant

SWORN TO AND SUBSCRIBED before me the day and year first above written.



  
\_\_\_\_\_  
Nancy L. Sauter  
Notary Public, State of T E X A S

**UNITED STATES BANKRUPTCY COURT  
Southern District of New York**

In re: BearingPoint, Inc.

Bankruptcy Case No.: 09-10691-reg

John DeGroote Services LLC

Plaintiff(s),

—against—

Adversary Proceeding No. 10-03856-reg

Pocket Water, Inc.

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE  
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days, to:

**Address of Clerk:**

**Clerk of the Court  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408**

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

**Name and Address of  
Plaintiff's Attorney:**

**Peter S. Goodman  
McKool Smith, P.C.  
One Bryant Park  
47th Floor  
New York, NY 10036**

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Room: Courtroom 621 (REG), One Bowling  
Green, New York, NY 10004

Date and Time: 12/16/10 at 09:45 AM

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Dated: 10/8/10

Vito Genna

*Clerk of the Court*

By: /s/ Kevin Cockerham

*Deputy Clerk*



### CERTIFICATE OF SERVICE

I, Nancy Jones (name), certify that service of this summons and a copy of the complaint was made October 19, 2010 (date) by:

- ☐ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:
- ☐ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:
- ☐ Residence Service: By leaving the process with the following adult at:
- ☒ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:  
Pocket Water, Inc., 1793 Northumberland Drive, Brentwood,  
Tennessee 37027 7007 2560 0003 2435 7203
- ☐ Publication: The defendant was served as follows: [Describe briefly]
- ☐ State Law: The defendant was served pursuant to the laws of the State of \_\_\_\_\_, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date 10/19/10

Signature

Nancy Jones

Print Name :

Nancy Jones

Business Address:

600 Travis #7000

Houston, TX 77002

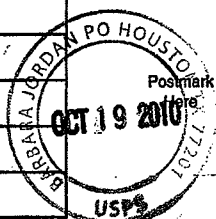
7007 2560 0003 2435 7203

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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To **Pocket Water, Inc.**  
**1793 Northumberland Drive**  
 Street, Apt. No., or PO Box No. **Brentwood, TN 37027**  
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Pocket Water, Inc.**  
**1793 Northumberland Drive**  
**Brentwood, TN 37027**

2. Article Number (Copy from service label)

**7007 2560 0003 2435 7203**

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) **Kaiser Signature**

B. Date of Delivery **10/30/10**

C. Signature

**X**

☐ Agent

☒ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes